

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-16 and 29 are pending in the application, with claims 1, 11, and 15 being the independent claims. Applicants have amended claims 1, 3, 5-8, 10-12, and 15. Claim 29 is sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 112

Claims 10 and 12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Applicants have amended claims 10 and 12 to overcome these rejections. Accordingly, the Examiner is respectfully requested to reconsider and withdraw these rejections.

Rejections under 35 U.S.C. § 102

Claims 1, 3, 4, 6 and 8-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,104,512 to Gombocz *et al.* ("Gombocz"). Claims 1, 2, 6, 8 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,582,702 to Cabilly *et al.* ("Cabilly"). Claims 1, 3, 4, 6 and 8 were rejected under 35

U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,656,145 to Nguyen *et al.* ("Nguyen").

Applicants have amended independent claim 1 to overcome these rejections. Claim 1 now recites an adaptor having channels within a body connecting a first set of apertures with a second set of apertures, "wherein at least one of said channels is curved." This amendment is fully supported by the specification (*see* paragraph [0034]) and is not believed to introduce new matter. Neither the Gombocz patent, the Cabilly patent, nor the Nguyen patent disclose such an adaptor.

The Gombocz patent discloses an electrophoretic concentrator having a block (152) with a plurality of receiving ports (154). The head of the block (152) is *funnel shaped, narrowing* toward the bottom into a narrowing cross sectional area (156) and into passage (158). (*See* the Gombocz patent, column 8, lines 63-67 and Figs. 6-7). However, none of the passages (158) are *curved*.

The Cabilly patent shows a cover (16) for a gel matrix (18) with openings (38) in the cover. The openings are not *curved*. (*See* Fig. 2 of the Cabilly Patent).

The Nguyen patent discloses a needle guide having a series of *tapering* passages open at both top and bottom. None of the passages are *curved*. (*See* the Nguyen patent, column 2, lines 20-22 and Fig. 2).

Thus, neither the Gombocz patent, the Cabilly patent, nor the Nguyen patent disclose "channels . . . wherein at least one of said channels is curved," as recited in claim 1. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claims 2-4, 6 and 8-10 depend directly or indirectly from claim 1 and add features to claim 1; therefore, these claims are patentable for at least the same reasons as

discussed above with respect to claim 1. Applicants therefore respectfully request that the Examiner reconsider and withdraw these rejections.

Rejections under 35 U.S.C. § 103

Claims 2, 5 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gombocz *et al.* Claims 2, 5 and 7 depend directly or indirectly from claim 1 and add features to claim 1. Therefore, these claims are patentable for at least the same reasons as discussed above with respect to claim 1. Specifically, the Gombocz patent does not teach or suggest incorporating a "curved" channel in its electrophoretic concentrator.

Claims 11-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nguyen *et al.* in view of U.S. Patent No. 4,827,780 to Sarrine *et al.* ("Sarrine").

Independent claims 11 and 15 have been amended to overcome these rejections. Claims 11 and 15 now each recite an assembly having channels within a body connecting a first set of apertures with a second set of apertures, "wherein at least one of said channels is curved." As noted above, the Nguyen patent discloses a needle guide having a series of *tapering* passages open at both top and bottom. None of the passages are *curved*. The Sarrine patent also does not disclose this feature. Rather, the Sarrine patent discloses an automatic pipetting apparatus. As such, the combination of these patents does not render the invention recited in claims 11 or 15 obvious. Accordingly, claims 11 and 15 are patentable, and Applicants respectfully request that the rejection be withdrawn.

Claims 11-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gombocz *et al.* in view of Sarrine *et al.* As noted above, independent claims 11 and 15 have been amended. The Gombocz patent fails to disclose "channels . . . wherein at least one of said channels is curved," as discussed above with respect to claim 1. The Sarrine patent also does not disclose this feature.

In addition, neither the Gombocz patent, the Nguyen patent, nor the Sarrine patent disclose "gel-loading pipette tips threaded through said channels, wherein said gel-loading pipette tips are bendable," as claimed in claims 11 and 15 and shown in Fig. 2B. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claims 12-14 and 16 depend directly or indirectly from either claims 11 or 15 and add features to claims 11 or 15. Accordingly, claims 12-14 and 16 are patentable for at least the reasons discussed above with respect to independent claims 11 and 15.

Rejections under Obviousness-type Double Patenting

Claims 1-16 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,231,813 ("the '813 patent") in view of Nguyen *et al.* As noted above, independent claims 1, 11 and 15 have been amended and now recite an adaptor (claim 1) or an assembly (claims 11 and 15) having channels within a body connecting a first set of apertures with a second set of apertures, "wherein at least one of said channels is curved." This feature makes claims 1, 11 and 15 patentably distinct from the cited references. A curving of at least one of the channels is not disclosed by the Nguyen patent, as discussed above. A curving of at least one of the channels is also not provided

by the claims of the '813 patent. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claims 2-10, 12-14 and 16 depend directly or indirectly from claims 1, 11 and 15 and add features to claims 1, 11 and 15; therefore, these claims are patentable for at least the same reasons as discussed above with respect to claims 1, 11 and 15. Applicants therefore respectfully request that the Examiner reconsider and withdraw these rejections.

Other Matters

A proper claim to priority was made by Applicants in the Application Data Sheet that was filed on May 2, 2001, along with the Application filing. As such, an amendment to the specification to recite the claim to priority is not necessary. See 37 C.F.R. § 1.78(a)(2)(iii). Nonetheless, the specification has been amended to provide the necessary reference to the parent application, as requested by the Examiner.

Conclusion

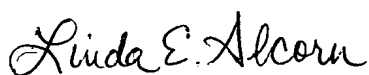
All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will

expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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